

ZB# 06-36

Errol Foschini

80-6-9

06-36 ERROL Foschini (ARCA)
13 Shaker Ct. (80-6-9)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Granted 7/10/06

June 27, 2006 Publication

P.O. # 45361

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 80-6-9

In the Matter of the Application of

ERROL FOSCHINI

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #06-36

WHEREAS, LeAnn Foschini, owner(s) of 13 Shaker Court, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 22 ft. Rear Yard Setback for Pool with Deck attached to the House at 13 Shaker Ct. in a CL-1 Zone (80-6-9)

WHEREAS, a public hearing was held on July 10, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties in an CL-1 zone.
 - (b) In constructing the deck, the applicant will not remove any trees or substantial vegetation.
 - (c) In building the deck the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements.

- (d) In building the deck the applicant will not create the ponding or collection of water or divert the flow of water drainage.
- (e) With the deck, the house will be similar in size and nature to other houses in the neighborhood.
- (f) The proposed or existing deck is immediately adjacent to an exit portal of the building. Without the deck, a safety issue would exist because a person exiting the premises would probably fall and sustain serious physical injury if the deck were not in place.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

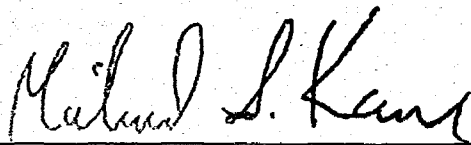
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a Request for 22 ft. Rear Yard Setback for Pool with Deck attached to the House at 13 Shaker Ct. in a CL-1 Zone (80-6-9) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: July 10, 2006

A handwritten signature in cursive script, reading "Michael S. Kene", is written over a horizontal line.

Chairman

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: OCTOBER 24, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 174.91 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-36

NAME & ADDRESS:

**Errol & Leanne Foschini
13 Shaker Ct.
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.10-24-06



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #06-36 TYPE: AREA TELEPHONE: 565-0903

APPLICANT:

Errol & Leanne Foschini
13 Shaker Ct.
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK # <u>1208</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK # 1209



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>3</u>	PAGES	<u>\$ 21.00</u>	<u>\$ 35.00</u>
2 ND PRELIMINARY:	—	PAGES	<u>\$ _____</u>	<u>\$ _____</u>
PUBLIC HEARING:	<u>3</u>	PAGES	<u>\$ 21.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	—	PAGES	<u>\$ _____</u>	<u>\$ _____</u>

LEGAL AD: Publish Date: 07-06 \$ 13.09

TOTAL:	<u>\$ 55.09</u>	<u>\$ 70.00</u>
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ESCROW POSTED:	\$ 300.00
LESS: DISBURSEMENTS:	<u>\$ 125.09</u>

AMOUNT DUE: \$ _____

REFUND DUE: \$ 174.91

Cc:

L.R. 10-24-06

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 5/3/06

**APPLICANT: Errol & Leanne Foschini
13 Shaker Ct.
New Windsor, New York 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 5/03/05

FOR : Errol & Leanne Foschini

LOCATED AT: 13 Shaker Ct.

ZONE: CL-1 Sec/Blk/ Lot: 80-6-9

COPY

DESCRIPTION OF EXISTING SITE: SINGLE FAMILY DWELLING W/ PROPOSED POOL

IS DISAPPROVED ON THE FOLLOWING GROUNDS: DECK ATTACHED TO THE HOUSE

- 1. 300-10 USE/BULK TABLE CL-1 ZONE, 22' REAR YARD VARIANCE IS REQUIRED.**

Louis K. Kuper
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: CL-1 USE: POOL DECK

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 40'

18'

22'

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

LOU

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway pond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

MAY - 2 2000

FOR OFFICE USE ONLY:
Building Permit #: PA200-428

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED

send to:

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

ERLEN FOSCHINI

Address

13 SHAKER COURT

Phone #

845-565-0903

Mailing Address

SAVE

Fax #

Name of Architect

N/A

Address

Phone

Name of Contractor

MASTERS TOUCH, LLC

Address PO Box 185, Fishkill, NY Phone 845 897-2577

State whether applicant is owner, lessee, agent, architect, engineer or builder APPLICANT IS BUILDER OF DECK

If applicant is a corporation, signature of duly authorized officer _____
(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N X

3. Tax Map Description: Section 80 Block 6 Lot 9

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other Replacement of Existing Pool Deck

6. Is this a corner lot? No

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____ (28x30)

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost \$18,000.- Fee \$50.00

PAID
\$50.00
ck# 11684
ZONING BOARD

date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lal & Louis Kryehar
New Windsor Town Hall
655 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

X Mark C. Allen
(Signature of Applicant)

(Address of Applicant)

Ernest T. Sullivan
(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N

W

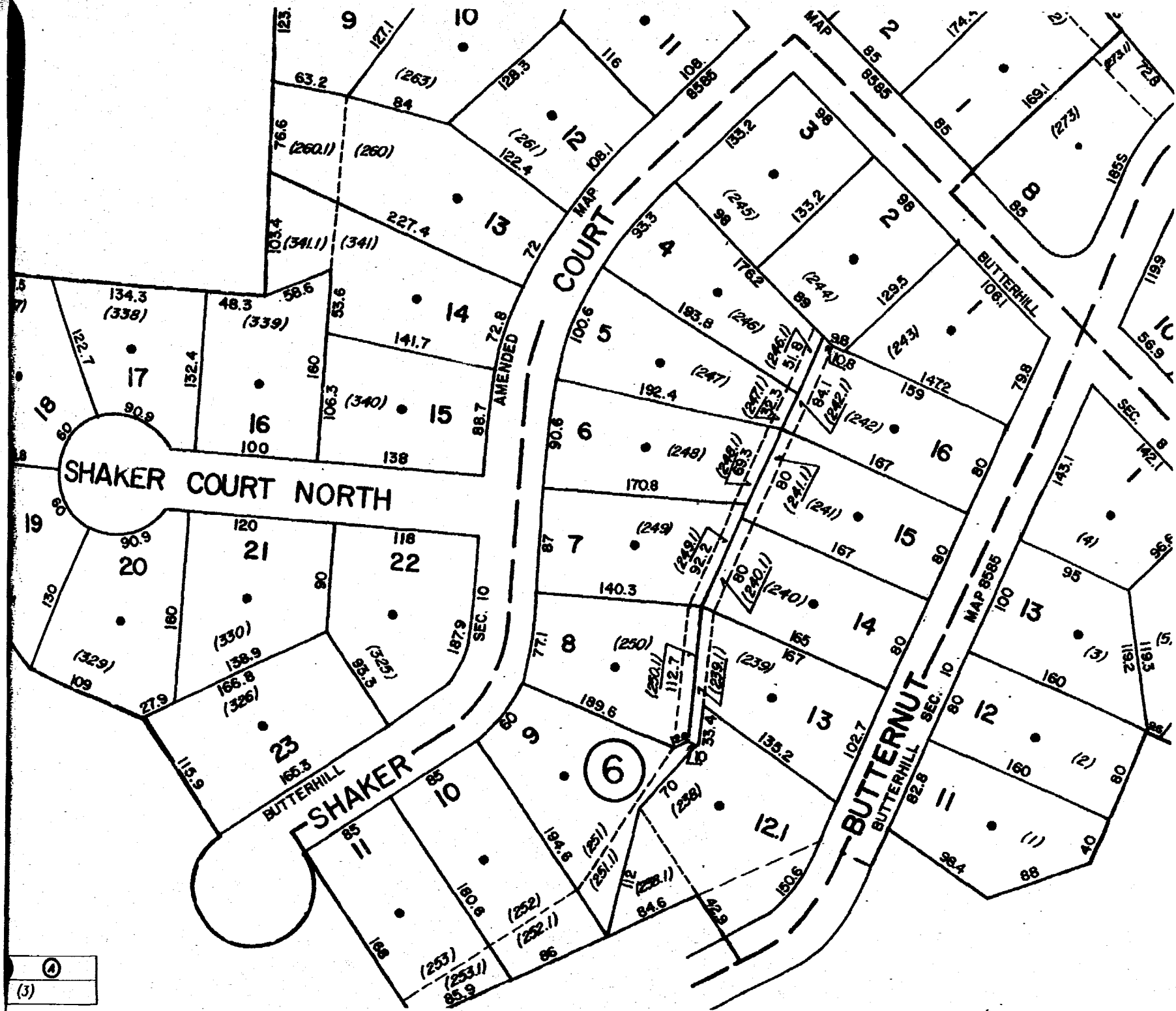
E

S

CRACK EXPOSED

IMPORTANT
PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
YOUR CALL FOR ALL REQUIRED INSPECTIONS OR CORRECTIONS

LOU



N 100° 21' 00" E
 33.4'

(LOT 238)

(OPEN SPACE)
PARCEL 238.1

S 58° 23' E
 10.04'

S 34° 29' 56" W
 70.00'

S 55° 21' 24" W
 112.00'

OPEN SPACE
 PARCEL 251.1
 2.718 ± S. F.
 0.06 ± AC.

(OPEN SPACE)
 PARCEL 239.1
 (OPEN SPACE)
 PARCEL 250.1

N 53° 35' 49" E
 12.62'

S 77° 01' 28" E
 37.01'

S 25° 10' 20" W 144.47'

LOT NO. 251
 13,860 ± S.F.
 0.32 ± AC.

(LOT 250)

(LOT 252)

2 STORY
FRAME
RESIDENCE

COVERED
PORCH

CONC.
STEPS

PAVED
DRIVE

18.8'

N 42° 54' 17" W
 148.83'

139.61'
 43.0'

R=125.00' 2=60.00'

CONC. CURB

SHAKER COURT

CERTIFICATION

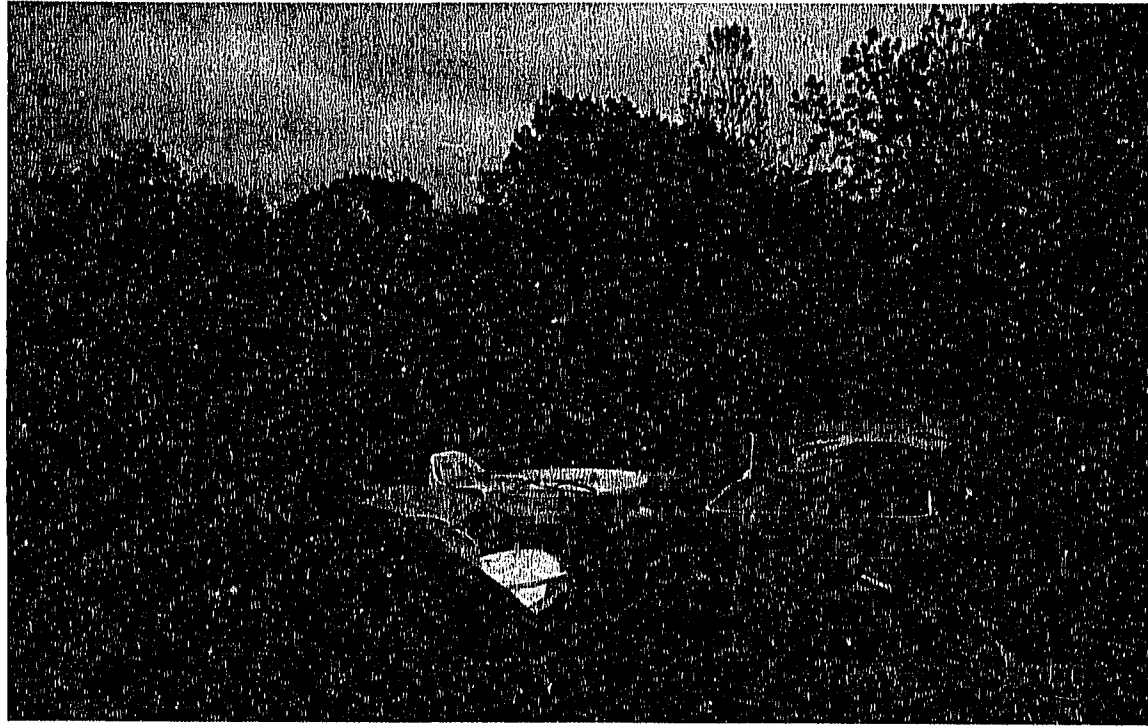
I hereby certify that the
 Mortgage Bank
 Title Insurance
 field survey
 1988 performed
 adopted by
 Surveyors is
 correct.

14
 28
 42

60'
 -42'
 18'

16,578 LOT SIZE
 4,470 LOT COVERAGE

2790 LOT COVERAGE (30% MAX)
 OK-HK





July 10, 2006

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ERROL_FOSCHINI_(06-36)

MS. GANN: Request for 22 ft. rear yard setback for pool with deck attached to the house at 13 Shaker Court.

Ms. LeAnn Foschini appeared before the board for this proposal.

MS. GANN: Just why are you looking to replace the deck again?

MS. FOSCHINI: I guess it's not up to code plus I had a newer deck put on when I had my addition put on and it's that new composite deck, makes my old deck look really bad.

MS. GANN: Will it be similar in size to the deck that you have now?

MS. FOSCHINI: Exact same size.

MS. GANN: Will you be taking, I know I need to ask these questions, but will you be taking substantial vegetation down to build the deck?

MS. FOSCHINI: No.

MS. GANN: Going over any easements?

MS. FOSCHINI: No.

MS. GANN: Creating water hazards?

MS. FOSCHINI: No.

MS. GANN: Will the deck be similar in size to other decks that are in your area?

MS. FOSCHINI: Yes.

MS. GANN: And Mike, she's here because?

MS. FOSCHINI: This deck attaches to the deck that attaches to the house.

MR. BABCOCK: There's no existing deck there now.

MS. FOSCHINI: There's a deck there now, an old deck.

MR. BABCOCK: That got a building permit to be there?

MS. FOSCHINI: Yes. The new one?

MR. BABCOCK: No, the old one.

MS. FOSCHINI: No, we didn't have one for that.

MR. BABCOCK: That's the issue, I'm thinking that if you had an old deck and you want to replace it the zoning is the zoning.

MS. FOSCHINI: No, he didn't get a building permit for the other deck.

MR. KRIEGER: So legally it's as if it didn't exist.

MR. BABCOCK: That's correct.

MR. TORPEY: Those two decks connected?

MR. BABCOCK: Yes.

MS. FOSCHINI: Yes, there's steps.

MR. KRIEGER: And the one adjacent to the house is adjacent to an exit from the house?

MS. FOSCHINI: Yes.

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MR. KRIEGER: So a person exiting the house if the deck weren't there would be likely to fall and sustain serious injury?

MS. FOSCHINI: Yes.

MR. KRIEGER: So it's a safety issue?

MS. FOSCHINI: Yes.

MS. GANN: Any other questions? I'd like to open this up to the public. Are you here, sir, for this public hearing? Okay, I'm going to close the public hearing and ask Myra how many mailings we had.

MS. MASON: On June 26, we mailed out 42 envelopes and had no response.

MS. GANN: I'll accept a motion.

MR. LUNDSTROM: Madam Chairman, I will offer a motion that the application of Errol Foschini request for 22 foot rear yard setback for pool with deck attached to the house at 13 Shaker Court in a CL-1 zone be approved.

MR. TORPEY: Second it.

ROLL CALL

MR. LUNDSTROM	AYE
MR. TORPEY	AYE
MS. GANN	AYE

**THE SENTINEL**P.O. BOX 406
VAILS GATE, NY 12584**Invoice**

Date	Invoice #
7/6/2006	7939

Bill ToTOWN OF NEW WINDSOR
555 UNION AVE
NEW WINDSOR, NY 12553

P.O. No.	Terms	Project
45361	Due on receipt	

Issue Date	Description	PCS/Units	Amount
7/6/2006	LEGAL ADS: ERROL FOSCHINI 06-36 1 AFFIDAVIT	9.09 4.00	9.09 4.00
		<div>RECEIVED JUL 18 2006 TOWN OF NEW WINDSOR COMPTROLLER'S OFFICE</div>	
		Total	\$13.09

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845)
562-1218

**PUBLIC HEARING NOTICE
ZONING BOARD OF AP-
PEALS**

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the
Zoning Board of Appeals of the
TOWN OF NEW WINDSOR,
New York, will hold a Public Hear-
ing on the following Proposition:

Appeal No. 06-36

Request of ERROL FOSCHINI
for a VARIANCE of the Zoning
Local Law to Permit:

Request for 22 ft. Rear Yard Set-
back for Pool with Deck attached
to the House at 13 Shaker Ct. in a
CL-1 Zone (80-6-9)

PUB-
LIC HEARING will take place on
JULY 10, 2006 at the New Wind-
sor Town Hall, 555 Union Ave-
nue, New Windsor, New York be-
ginning at 7:30 P.M.

Michael Kane, Chairman

State of New York

County of Orange, ss:

Patricia Quill being duly

sworn disposes and says that she is The
Supervisor of Legal Dept. of the E.W. Smith
Publishing Company; Inc. Publisher of The
Sentinel, a weekly newspaper published and
of general circulation in the Town of New
Windsor, Town of Newburgh and City of
Newburgh and that the notice of which the
annexed is a true copy was published 12

in said newspaper, commencing on

the 27 day of June A.D., 2006

and ending on the 27 day of June
A.D. 2006

Patricia Quill

Subscribed and shown to before me

this 10th day of July, 2006

Deborah Green

Notary Public of the State of New York

County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065

Commission Expires July 15, 2007

My commission expires _____

June 12, 2006

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ERROL_FOSCHINI_(06-36)

MR. KANE: Request for 22 ft. rear yard setback for pool with deck attached to the house at 13 Shaker Court.

Mr. Errol Foschini appeared before the board for this proposal.

MR. KANE: Tell us what you want to do, sir.

MR. FOSCHINI: We want to replace the deck and get a permit for the pool that's already existing in the back.

MR. LUNDSTROM: You're saying there's a deck and a pool both of which are existing?

MR. FOSCHINI: Yes.

MR. LUNDSTROM: Were they existing when you purchased the property?

MR. FOSCHINI: No, they weren't.

MR. KANE: How long has the deck been, pool been up?

MR. FOSCHINI: Fifteen years.

MR. KANE: Cutting down any trees or substantial vegetation in the building of the deck?

MR. FOSCHINI: No.

MR. KANE: Or the pool?

MR. FOSCHINI: No.

MR. KANE: Create any water hazards or runoffs?

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MR. FOSCHINI: No.

MR. KANE: Any easements running through where the pool or the deck is?

MR. FOSCHINI: No.

MR. KANE: Had there been any complaints about the pool or the deck formally or informally over the last 15 years?

MR. FOSCHINI: No.

MR. LUNDSTROM: Why are you now seeking a variance for these?

MR. FOSCHINI: Well, we're replacing the deck and the builder went to get a permit for the deck and they actually they came out, we replaced another room in the back and then when the building inspector came out, he saw that the deck wasn't up to code, we wanted to replace it.

MR. KANE: You took the glass enclosure out?

MR. FOSCHINI: Right, when the building inspector came he saw the deck wasn't up to code so now we want to bring it up to code.

MR. LUNDSTROM: And also the pool.

MR. FOSCHINI: Right.

MR. KANE: So the pool is attached to the deck which is you walk right from the house out to the deck and to the pool?

MR. FOSCHINI: Right.

MR. KANE: I have no further questions. Anybody else

June 12, 2006

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on the board? I'll accept a motion.

MR. LUNDSTROM: Mr. Chairman, I will offer a motion to schedule a public hearing on the application of Errol Foschini regarding request for 22 foot rear yard setback for pool and deck attached to the house at 13 Shaker Court in a CL-1 zone.

MR. TORPEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MR. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

RESULTS OF Z.B.A. MEETING OF: July 10, 2006

PROJECT: Enrol Foschini ZBA # 06-36
P.B.#

USE VARIANCE: **NEED: EAF** _____ **PROXY** _____

LEAD AGENCY: M)_____S)_____ VOTE: A___ N___

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y____N____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M)____S)____ VOTE: A____N____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y_____ N_____

PUBLIC HEARING: **STATEMENT OF MAILING READ INTO MINUTES** ✓
VARIANCE APPROVED: M. H. S. I VOTE: A 3 N 0.

GANN A
LUNDSTROM A
~~LOFTY~~
TORPEY A
~~KANE~~

CARRIED: Y ✓ N

[illegible]

AFFIDAVIT OF MAILING

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

ERROL FOSCHINI

**AFFIDAVIT OF
SERVICE
BY MAIL**

#06-36

X

STATE OF NEW YORK)

) SS:

COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 26TH day of JUNE, 2006, I compared the 42 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason

Myra L. Mason, Secretary

26th day of June, 2006

[Signature]
Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/2006

Town of New Windsor

Town Hall
555 Union Ave.

New Windsor, NY 12553

TEL: (845) 563-4623 / FAX: (845) 563-4693

PURCHASE ORDER

45361

SENTIN

DATE	6/22/2006
PAGE NO.	1
CHECK NO.	
TAX EXEMPT NO. 14-6002338	

SIGN & RETURN TO ADDRESS ABOVE

VENDOR	SHIP TO
THE SENTINEL PO BOX 406 VAILS GATE, NY 12584	Zoning Department Town of New Windsor 555 Union Avenue New Windsor, NY 12553 Attn: Myra Mason

SPECIAL INSTRUCTIONS

MM

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
1	PUB HEAR NOTICE: 6/27 'FOSCHINI' 10-1070-108010-4-4131	1		

NO ORDER VALID UNLESS SIGNED BELOW

TOTAL →

DEPARTMENT DIRECTOR

BUSINESS ADMINISTRATOR

DEPARTMENTAL CERTIFICATION

I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered; said certification being based on signed delivery slips or other reasonable procedures.

SIGNATURE

DATE

COMPTROLLER

VENDOR CERTIFICATION AND DECLARATION

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

X

VENDOR SIGN HERE

NAME (PRINT OR TYPE)

OFFICIAL POSITION

VENDOR SOCIAL SECURITY NO. OR TAX I.D. NO.

VENDOR - SIGN AT X AND RETURN WITH INVOICE



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

June 15, 2006

Errol & Leanne Foschini
13 Shaker Ct.
New Windsor, NY 12553

Re: 80-6-19

ZBA#: 06-36 (42)

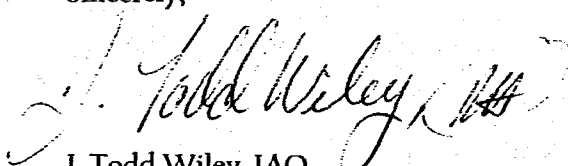
Dear Mr. & Mrs. Foschini:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00.

Please remit the balance of \$40.00 to the Town Clerk's Office.

Sincerely,


J. Todd Wile, IAO
Sole Assessor

JTW/rah
Attachments

CC: Myra Mason, Zoning Board

80-1-8

James R & Maureen P. Noble
340 Butternut Dr.
New Windsor, NY 12553

80-6-1

Jeffrey Ehlers
342 Butternut Dr.
New Windsor, NY 12553

80-6-12.1

Ronaldo Robledo & Irma Garcia
352 Butternut Dr.
New Windsor, NY 12553

80-2-9

Michael & Tracy Diaz
94 Creamery Dr.
New Windsor, NY 12553

80-6-2

Michael & Josephine Oates
117 Creamery Dr.
New Windsor, NY 12553

80-6-14

Hope White & Adam Keith
348 Butternut Dr.
New Windsor, NY 12553

80-2-10

Harry E. & Gloria DeMarzi
335 Butternut Dr.
New Windsor, NY 12553

80-6-3

Gerard Parmerter
1 Shaker Ct.
New Windsor, NY 12553

80-6-15

Keith & Karen Cazzolla
346 Butternut Dr.
New Windsor, NY 12553

80-5-1

Kevin P. Chanowsky & Laura E. Sarno
113 Creamer Dr.
New Windsor, NY 12553

80-6-4

Gracie Wilson
3 Shaker Ct.
New Windsor, NY 12553

80-6-16

Donald & Joann Lubarsky
344 Butternut Dr.
New Windsor, NY 12553

80-5-2

John L. & Geralyn M. Casey
111 Creamery Dr.
New Windsor NY 12553

80-6-5

Sandra Arcaro
5 Shaker ct.
New Windsor, NY 12553

80-8-10

Ricardo & Vanessa Rivera
123 Creamery Dr.
New Windsor, NY 12553

80-5-3

Mavourneen A. & James T. Hubbard Sr.
109 Creamery Dr.
New Windsor, NY 12553

80-6-6

Cornelius & Deemichele Shea
7 Shaker Ct.
New Windsor, NY 12553

80-8-11

Warren Kemble
2 Shaker Ct.
New Windsor, NY 12553

80-5-4

Urias & Shirley Thomas
107 Creamery Dr.
New Windsor, NY 12553

80-6-7

James & Mary Ann O'Hare
9 Shaker Ct.
New Windsor, NY 12553

80-8-12

Ruperto Roman
4 Shaker Ct.
New Windsor, NY 12553

80-5-11 & 80-6-13

Robert & Jamene Kopman
345 Butternut Dr.
New Windsor, NY 12553

80-6-8

Rafael Villafane
11 Shaker Ct.
New Windsor, NY 12553

80-8-13

Mark & Sheila Lakritz
6 Shaker Ct.
New Windsor, NY 12553

80-5-12

Jessica DeMaio
343 Butternut Dr.
New Windsor, NY 12553

80-6-10

Howard & Kathleen Stone
15 Shaker Ct.
New Windsor, NY 12553

80-8-14

William & Theresa Martin
8 Shaker Ct.
New Windsor, NY 12553

80-5-13

Israel & Madeline Hudyberdi
341 Butternut Dr.
New Windsor, NY 12553

80-6-11

Patricia Genung
17 Shaker Ct.
New Windsor, NY 12553

80-8-15

Livingston Kuo & Susan Miaw-Hwa
102 Shaker Ct. North
New Windsor, NY 12553

80-8-16
Wing & Lois Seto
104 Shaker Ct. No.
New Windsor, NY 12553

37-1-49
The McQuade Foundation
P.O. Box 4064
New Windsor, NY 12553

80-8-17
Autavis & Laura Graham
106 Shaker Ct. No.
New Windsor, NY 12553

37-1-48 & 63
Church of St. Helena
P.O. Box 426
Vails Gate, NY 12584

80-8-18
Stephen & Catherine Parodo
108 Shaker Ct. No.
New Windsor, NY 12553

80-8-19
John & Angela Turner
107 Shaker Ct. No.
New Windsor, NY 12553

80-8-20
Michael & Patricia Kane
105 Shaker Ct. No.
New Windsor, NY 12553

80-8-21
Enrique Reynoso & Amalia Coe-Reynoso
103 Shaker Ct. No.
New Windsor, NY 12553

80-8-22
Thomas & Kathleen Hannon
101 Shaker Ct. No.
New Windsor, NY 12553

80-8-23
Dominick Cossavella
14 Shaker Ct.
New Windsor, NY 12553

37-1-42.12
Cactus Resort Properties Inc.
c/o Finova Capital
1000 First ave.
King of Prussia, PA 19406

37-1-42.22
Ayda & Argueta Hussain
169 Forge Hill Rd.
New Windsor, NY 12553

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

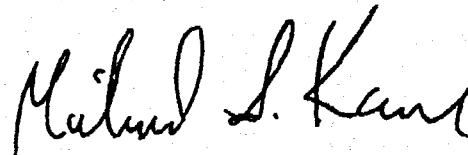
Appeal No. 06-36

Request of ERROL FOSCHINI

for a VARIANCE of the Zoning Local Law to Permit:

Request for 22 ft. Rear Yard Setback for Pool with Deck attached to the House at 13 Shaker Ct. in a CL-1 Zone (80-6-9)

PUBLIC HEARING will take place on JULY 10, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.



Michael Kane, Chairman



RESULTS OF Z.B.A. MEETING OF: June 12, 2006

PROJECT: Enrol Faschizi ZBA # 06-36
P.B.# _____



USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Lu S) I VOTE: A 4 N 0

~~GANN~~ _____
LUNDSTROM A
LOCEY A
TORPEY A
KANE A

CARRIED: Y ☒ N _____

PUBLIC HEARING: _____ STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

No easements
No complaints

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 06-08-06

FOR: ESCROW 06-36

FROM:

Errol & Leanne Foschini
13 Shaker Ct.
New Windsor, NY 12553

CHECK FROM:

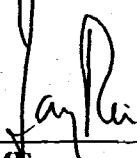
SAME

CHECK NUMBER: 1209

TELEPHONE: 565-0903

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME

6/13/06

DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

Town of New Windsor

555 Union Avenue

New Windsor, NY 12553

(845) 563-4611

RECEIPT

#483-2006

06/13/2006

Foschini, Errol *P.B. #06-36*

Received \$ 50.00 for Planning Board Fees, on 06/13/2006. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green

Town Clerk

CHECKED BY MYRA:

TOWN OF NEW WINDSOR

DATE: 06-12-06

PROJECT NUMBER: ZBA# 06-36 P.B. #

APPLICANT NAME: ERROL FOSCHINI

PERSON TO NOTIFY TO PICK UP LIST:

Errol & Leanne Foschini

13 Shaker Ct.

New Windsor, NY 12553

TELEPHONE: 565-0903

TAX MAP NUMBER: SEC. 80 BLOCK 6 LOT 9
SEC. BLOCK LOT
SEC. B LOCK LOT

**PROPERTY LOCATION: 13 SHAKER CT.
NEW WINDSOR, NY**

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION _____
(IS NOT PREPARED ON LABELS)

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET)

AGRICULTURAL DISTRICT:
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
OF SITE PLAN OR SUBDIVISION PROJECT)

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

[illegible]

AMOUNT OF DEPOSIT: **25.00** CHECK NUMBER: **1210**

TOTAL CHARGES: _____



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

5/17/06
Date

Application Type: Use Variance ☐ Area Variance ☒
Sign Variance ☐ Interpretation ☐

I. Owner Information: Phone Number: (845) 565-0903
Errol + Leanne Foschini Fax Number: ()

(Name)
13 Shaker Ct. New Windsor, NY 12553
(Address)

II. Applicant: Phone Number: (845) 565-0903
Errol + Leanne Foschini Fax Number: ()

(Name)
13 Shaker Ct New Windsor, NY 12553
(Address)

III. Forwarding Address, if any, for return of escrow: Phone Number: ()
Fax Number: ()

(Name)

(Address)

IV. Contractor/Engineer/Architect/Surveyor/: Phone Number (845) 897-2577
Fax Number: ()

Master's Touch, LLC
(Name)
P.O. Box 185 Fishkill, New York 12524
(Address)

V. Property Information:

Zone: CL-1 Property Address in Question: 13 Shaker Ct. New Windsor, NY
Lot Size: _____ Tax Map Number: Section 80 Block 6 Lot 9

- a. Is pending sale or lease subject to ZBA approval of this Application? No
b. When was property purchased by present owner? 6/21/1988
c. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No

****PLEASE NOTE:****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VI. USE VARIANCE:

Use Variance requested from New Windsor Zoning Local Law,

Section _____, Table of _____ Regs., Col. _____.

Describe proposal:

- VII. The legal standard for a "Use Variance" is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the Use Variance is granted. Also state any efforts you have made to alleviate the hardship other than this application.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	40'	18'	22'
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

We would simply like to have a
deck around our pool that connects to the deck
on our home. The pool and deck are still a substantial
distance from our rear neighbor and will be professionally
built. Many homes in butterhill have similar set ups
including our two side neighbors.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1			
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____

- (b) Describe in detail the proposal before the Board:

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of area that variances is being requested for showing relationship to property lines (5 or 6) from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER - PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

17th day of MAY 2006.

ARTHUR L. BRUNWASSER
NOTARY PUBLIC, State of New York
No. 02BR5047305

Qualified in Orange County
Signature and Stamp of Notary
Commission Expires 2-31-2009

Errol Foschini

Owner's Signature (Notarized)

Errol Foschini

Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

_____, deposes and says that he resides
(OWNER)
at _____ in the County of _____
(OWNER'S ADDRESS)
and State of _____ and that he is the owner of property tax map
(Sec. _____ Block _____ Lot _____)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in
the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

**

Date: _____

Sworn to before me this:

_____ day of _____ 20____

Owner's Signature (MUST BE NOTARIZED)

Applicant's Signature (If different than owner)

Representative's Signature

Signature and Stamp of Notary

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:**

ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

COMPLETE THIS PAGE ☐

**COMPLETE THE FOLLOWING TWO
PAGES ONLY IF YOU
ARE APPLYING FOR A
“USE VARIANCE”**

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: <div style="display: flex; justify-content: space-between;"> Municipality County </div>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, coordinate the review process and use the FULL EAF.
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? <input type="checkbox"/> Yes <input type="checkbox"/> No	If No, a negative declaration may be superseded by another involved agency.
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality; surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: 	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
<div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="width: 45%;"><div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div><div style="text-align: center; font-size: small;">Name of Lead Agency</div><div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div><div style="text-align: center; font-size: small;">Print or Type Name of Responsible Officer in Lead Agency</div><div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div><div style="text-align: center; font-size: small;">Signature of Responsible Officer in Lead Agency</div></div><div style="width: 45%;"><div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div><div style="text-align: center; font-size: small;">Title of Responsible Officer</div><div style="border-bottom: 1px solid black; margin-bottom: 5px;"></div><div style="text-align: center; font-size: small;">Signature of Preparer (If different from responsible officer)</div></div></div> <div style="text-align: center; margin-top: 10px;"><div style="border-bottom: 1px solid black; width: 100px; margin: 0 auto;"></div><div style="font-size: x-small;">Date</div></div>	



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)

6/12 Agenda
06-36



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE: \$ 50.00
*ESCROW: \$300.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**

LIST OF PROPERTY OWNERS
WITHIN 500 FT. RADIUS OF
PROPERTY IN QUESTION:

APPROXIMATE COST FOR
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES
IS \$1.00 EA. ADDITIONAL
NAME

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE FOR EACH LABEL WITH **YOUR** RETURN ADDRESS AND A REGULAR \$.39 STAMP. **BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR FURTHER INSTRUCTIONS.** YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

WHEN YOU COME IN WITH YOUR ENVELOPES, PLEASE ALLOW TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR INSTRUCTIONS ON COMPLETION. PLEASE ALLOW YOURSELF TIME TO PUT THE NOTICES IN THE ENVELOPES WHILE HERE, THEN YOU WON'T HAVE TO RETURN AGAIN.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.